

State of California
Regional Water Quality Control Board
North Coast Region

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September 11, 2002

EXECUTIVE OFFICER'S SUMMARY REPORT
8:00 a.m., September 26, 2002
Regional Water Quality Control Board
5550 Skylane Blvd. Suite A
Santa Rosa, California 95403

ITEM: 15

SUBJECT: Update on Basin Plan Amendment for Sediment Management

DISCUSSION

Regional Water Board staff continue to develop a regionwide strategy to control sediment discharges. The Basin Planning Unit is leading an in-house working group in an effort to coordinate development of the Basin Plan amendment across all divisions in the Regional Water Board office to ensure consistency in developing options to reduce sediment discharges. The in-house working group's strategy currently includes revised waste discharge prohibitions and an implementation plan, although not all elements of the recommended strategy are fully developed.

The September update is the second in a three part series designed to introduce the Regional Water Board to the critical elements of the regionwide sediment discharge control strategy, and to receive guidance and recommendations from the Board. The first update in May 2002 focused on the revised waste discharge prohibitions and the reasons for the recommended revisions, the second update is focused on the implementation strategy which addresses compliance issues, and the third update will focus on mitigation and monitoring requirements.

During the first update Regional Water Board staff provided information about the need for a regionwide sediment control strategy and included discussion on the sediment problems across the region, the difficulties Regional Water Board staff have in reducing the sediment discharges, and critical elements of the approach staff recommends. The amendment goal and draft revised waste discharge prohibition language were an integral part of the first update.

The goal of the amendment, as presented at the May 2002 update, is to develop a policy to prevent human-caused sediment discharges from reaching watercourses or receiving waters using feasible and reasonable means in order to preserve, enhance, and restore the quality of water resources for protection of beneficial uses.

The draft revised waste discharge prohibition language was presented to the Regional Water Board in May 2002. Regional Water Board staff developed the revised language to accomplish the primary goal of keeping sediments from reaching water courses using feasible and reasonable means. The revised waste discharge prohibitions allow for a broader application to human related discharges from all sources. They also help link sediment discharge control to water quality standards and the condition of specific receiving waters, and they address sediment related impacts from individual projects as well as cumulative impacts. Regional Water Board staff recommend the following prohibition language:

1. The discharge or threatened discharge of sediment-related waste¹ attributable to human activities² which causes or threatens to cause a violation of any numeric or narrative water quality objective relating to sediment, including SWRCB Resolution 68-16³, or otherwise adversely affects the water for beneficial uses designated in this Plan, is prohibited.
2. Where any sediment related narrative or numeric water quality objective in this Plan is not being attained, the discharge or threatened discharge of sediment-related waste attributable to human activities that causes or threatens to cause further degradation or impediment to recovery is prohibited.

¹**“Sediment-Related Waste”** is defined to include any earthen or organic waste material (such as but not limited to soil, silt, sand, clay, rock, slash, sawdust, and bark).

²**“Human activities”** are defined as earth-disturbing activities included but not limited to construction, gravel mining operations, dairies, roads, ranching, agriculture, silviculture, and viticulture practices.

³**SWRCB Resolution 68-16** - Statement of Policy with Respect to Maintaining High Quality of Waters in California or the Antidegradation Policy.

The emphasis of this update is on critical elements of the implementation plan which is included as part of the amendment. The implementation plan focuses on three primary components in the following order: prevent (or avoid), minimize, and mitigate. Each of these concepts will be addressed during the update, as well as a discussion of compliance issues associated with the revised waste discharge prohibitions.

An implementation flowchart will also be presented and explained as part of the update. The implementation flowchart is designed to illustrate how landowners can comply with the revised waste discharge prohibitions. It addresses both natural and human cause sediment-related discharges as well as differentiates between new projects and existing discharges. Both natural and human caused sediment-related discharges will be addressed as part of the flowchart, as well as a description of how new projects and existing discharges are treated differently for implementation.

The third update to the Board will detail Regional Water Board staff recommendations for mitigation and monitoring requirements. These components are still being developed the by the in-house working group, and recommendations will be presented during the next update which will occur in October or November 2002.

Following completion of the third update and based on the recommendations from the Board, Regional Water Board staff will complete the Basin Plan amendment package that will include a draft staff report, proposed amendment language, and a CEQA analysis. The draft staff report will detail the goals of sediment discharge reduction, the recommended strategy(s) to reduce sediment discharges, and alternative approaches considered. The proposed amendment language will include recommendations from Regional Water Board staff on what should be added into the Basin Plan. The CEQA analysis will include evaluation of impacts associated with the proposed amendment. The Basin Plan amendment package will be released to the public, agencies, and stakeholders for comment and Board workshops will be conducted to collect public comment. Comments received, either written or oral, during the public comment period will be addressed and a final amendment package developed prior to the Board's consideration for adoption.

**PRELIMINARY STAFF
RECOMMENDATION:**

This is an informational item. No formal Board action is necessary at this time.